REMARKS

Reconsideration of this application, in view of the foregoing amendments and the following remarks, is respectfully requested.

Claim Rejections under 35 USC § 102

Claims 23-25, 28-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Rabenko et al. (U.S. Patent No. 6,834,057 BI). Applicants respectfully traverse these rejections.

To anticipate a claim, the reference must teach each and every limitation of the claim. MPEP §2131. As to claim 23, Rabenko et al. does not teach each and every limitation of the claim.

In rejecting claim 23, citing figure 7 of Rabenko et al. the Examiner has stated that Rabenko et al. teaches "allocating a first time slot for a first data stream (**178 in fig. 7**), wherein the first time slot is <u>allocated by a first network manager function</u> in a first network (**CMTS in Headend**);" (emphasis added) and "allocating <u>a second time slot for a second data stream</u> (**180 in fig. 7**), wherein the second time slot is **allocated by a second network manager function** in a second network (**inherently allocated by CMs 1046 in home side**)," (emphasis added).

According to the Examiner, first time slot is allocated by CMTS and the second time slot is allocated by CM. Applicants respectfully disagree and point to the Examiner that a careful reading of Rabenko et al. reveals that all time slots are allocated by CMTS only upon request from CMs. For example, in col. 4, lines 42-61, Rabenko et al. clearly describes how time slots are allocated. According to Rabenko et al. CMs send message to CMTS for time slots and CMTS responds by assigning time slots to the CMs making such requests.

> "In other words, <u>the CM requests an amount of bandwidth</u> on the cable system to transmit data. In turn, <u>the CM receives a "grant"</u> <u>of an amount of bandwidth to transmit data</u> in response to the request. This time slot assignment by the CMTS is known as a "grant" **because the CMTS is granting a particular CM**

permission to use a specific period of time in the upstream."
(Col. 4, lines 55-61, emphasis added).

Further, in col. 5, lines Rabenko et al. explain the CMs contend to send a message to CMTS to get a grant of time slots. Furthermore, in col. 5, lines 35-45, Rabenko et al. describe that CMTS compiles a MAP of all grants and broadcast to all CM to indicate when each of the CMs is authorized to transmit data packets.

As to figure 7, Applicants respectfully point to the Examiner that actually figure 7 describes a MAP of time grants by the CMTS. Regarding time slots 178 and 180, Applicants respectfully point to the Examiner that even in the cited sections Rabenko et al. state that these are actually sub-regions of CM transmit opportunity region 176 and dedicated to different priority traffic (col. 9, lines 45-50). Further, Applicants respectfully point to the Examiner that in Rabenko et al., cable modems CMs are part of same cable data network and do not have individual network manager functions. As it can be seen from the cited reference that Rabenko et al. does not teach allocating time slots as recited in claim 23. Accordingly, claim 23 and those depend thereform are clearly and patentably distinguishable from the cited reference.

Claim Rejections under 35 USC § 103

Claims 26 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabenko et al. (U.S. Patent No. 6,834,057 Bi). Applicants respectfully traverse these rejections.

Claims 26 and 31 depend from claim 23 and are patentably distinguishable from the combination of cited reference for at least the same reasons as claim 23.

Claim 27 is rejected under 35 **U.S.C.** 103(a) as being unpatentable over by Rabenko et al. (U.S. Patent No. 6,834,057 BI) in view of Amit (U. S. Patent Application No. 20040107445 Al). Applicants respectfully traverse these rejections.

Claim 27 depends from claim 23 and is patentably distinguishable from the combination of cited reference for at least the same reasons as claim 23. Further, the Examiner has cited figures 1 and 2 as showing CM as home network. Applicants respectfully point to the Examiner that CMs are actually transceivers that provide access to cable transmission channel managed by

CMTS. Thus, as explained above, CMs do not allocate time slots instead they request for bandwidth, which is then allocated by CMTS. Accordingly, claim 27 is further patentably distinguishable from the combination of cited references.

Applicant believes this application and the claims herein to be in a condition for allowance. Please charge any additional fees, or credit overpayment to Deposit Account No. 20-0668. Should the Examiner have further inquiry concerning these matters, please contact the below named attorney for Applicant.

Respectfully submitted,

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